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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,086	07/30/2001	Alan Ebringer	09262-027-51	2308
7590	08/12/2004		EXAMINER	
JOSEPH T. LEONE INTELLECTUAL PROPERTY DEPARTMENT DEWITT ROSS & STEVENS, S.C. 8000 EXCELSIOR DRIVE, SUITE 401 MADISON, WI 53717-1914			SCHEINER, LAURIE A	
			ART UNIT	PAPER NUMBER
			1648	
DATE MAILED: 08/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 09/856,086	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner for Patents

Art Unit: 1648

The reply filed on October 27, 2003 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): a specific basis in the specification supporting the newly amended claims has not been set forth by applicants. Specifically, a proper basis for the newly recited "sequence ISRFAWGEV" has not been set forth. That is, applicant's amendment to the specification (wherein "WO 97/02667" is replaced with --WO 98/13694--) introduces new matter; which is relied on as a basis for the amendments, and to address the rejections. However, the rejections are in fact not addressed due to circular, vague and confusing remarks. That is, applicant fails to directly address the art rejection, but rather vaguely states that mechanism is irrelevant to patentability. In general, the examiner agrees that an understanding of mechanism is not required for patentability. However, mechanism is not at issue; rather identical method steps (between instant claims and applied art) are at issue. Moreover, applicant fails to properly incorporate (specifically recite the essential material by amendment, and provide a specific basis -which cannot be done since there is no basis in the instant case, thus the new matter). Additionally, WO 99/47932 does not support the new matter as asserted by applicant. Also, the amendments to the claims (12, 14, 18, 25, 29, 31, 33 and 34) are directed to an invention that is independent or distinct from the invention originally elected by original presentation due to new matter. Applicant's submission of a response to PCT/GB/03936 is acknowledged but not considered since it is unexecuted. Applicant is also reminded of his duty to disclose since allowed claims of US application Serial No. 09/646,579 appear to conflict with the instant claims. Applicant's publication (*Clinical and Diagnostic Laboratory Immunology*, Nov. 2001, p. 1181-1188) is noted as of interest. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the

Art Unit: 1648

omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Scheiner, whose telephone number is (571) 272-0910. Due to a flexible work schedule, the examiner's hours typically vary each day. However, the examiner can normally be reached Monday thru Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (571) 272-0902.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (571) 272-1600.

Correspondence related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Official communications should be directed toward the following central fax number: (703) 872-9306.

L.S.
Laurie Scheiner/LAS
August 4, 2004

L.S. *LS*
LAURIE SCHEINER
PRIMARY EXAMINER